IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.896 OF 2006

In

NOTICE OF MOTION NO.745 OF 2005

In

SUIT NO.3537 OF 2004

Shri Bajrang Alloys Ltd. : Appellant
(Orig.Defendant)

V/s.

Quadricon Pvt. Ltd. : Respondent
(Orig.Plaintiff)

...

Mr.Mustafa S. Doctor with Mr.Darshan R. Mehta and Mrs.Trupti P. Shetty i/b. M/s.Dhruve Liladhar & Co., for the appellant.

Mr.Sanjay Jain with Mr.D.A.Bhrambhatt i/b. M/s.Thakordas & Madgaonkar for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : DECEMBER 13, 2006.

P.C.

Heard.

2. No case for interference in the impugned order is made

out. However, it is open to the appellant (defendant) to make an application for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure. We observe that if such an application is made, obviously, it would be considered, in accordance with law, uninfluenced by the impugned order.

3. Appeal stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.